

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5718 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.M.SONI and
MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

VADILAL HIRABHAI

Versus

STATE OF GUJARAT

Appearance:

MR GM AMIN for Petitioners
Mr.A.G.Uraizee, A.G.P. for Respondent No.1 to 3
MR TUSHAR MEHTA for Respondent No. 4

CORAM : MR.JUSTICE S.M.SONI and
MR.JUSTICE Y.B.BHATT

Date of decision: 23/10/96

ORAL JUDGEMENT (Per Soni J.)

Heard the learned Advocates.

By Annexure A, respondent no.3 has made a demand of excess amount paid to the petitioners towards

compensation. It is also stated in Annexure A that in case of failure to pay up, coercive action may be taken. Learned Advocate for the petitioners states that against the award passed by Land Acquisition Officer, petitioners have filed Reference before the District Court, being Reference No.389/95, and the same is pending before the District Judge, Ahmedabad Rural. In view of the pendency of the Reference, demand at Annexure A is challenged in this petition and also on certain other grounds.

On consensus between the learned counsels of the parties, petitioners have agreed to file an undertaking before this court within two weeks from today to the effect that on disposal of Reference pending before the District Court, if they are still required to pay any amount, then they shall pay the said amount within four weeks of the disposal of that Reference irrespective of the right to challenge the same in case they are aggrieved, without prejudice to the right of either party to claim interest. It is also agreed by the petitioners that they will furnish security of the amount demanded in Annexure A before this court within four weeks to the satisfaction of the Registrar of this court. As the petitioners have agreed to furnish security and undertaking, as stated above, and in view of the pendency of the Reference before the District Court, the demand order Annexure A is suspended for four weeks from the date of disposal of the Reference.

In view of the above order, the petition does not survive and stands disposed of. Notice discharged. Ad-interim relief vacated. No costs.
